HARVARD LAW REVIEW.

Published monthly, during the Academic Year, by Harvard Law Students.

SUBSCRIPTION PRICE $2 50 PER ANNUM. . . . . 35 CENTS PER NUMBER.

THE LAW SCHOOL. — Readers of Professor Langdell's last Annual Report are familiar with the fact that the resoures of the Law School have been strained — in reading-room, lecture-rooms, and library alike — by its recent growth. The question has become a very pressing one, how to deal with the further increase next year. Such an increase is reasonably certain. Of the second-year class of 1890–91, 66 per cent returned in 1891–92 to complete their course. If the same ratio — an unusually law one — holds, the third-year class 1892–93 will be larger than the present one by twenty-seven. The present second year class is now stronger by eleven than when it entered the School. If the present first-year, instead of gaining eleven, loses the same number, the second-year in 1892–93 will still show an increase of twenty-nine. The entering class will probably not surpass the record. But assuming that the first-year men and special students remained stationary, — the latter an improbable assumption, for reasons that appear below,—the School would nevertheless show a net increase, at the very least, of more than fifty. The total will rise above four hundred. The necessity of taking vigorous steps to meet this emergency, for an emergency it really is, has been self-evident. Almost all the changes announced for the coming year are referable to this cause.

In the first place, the facilities of the reading-room, as regards both seating capacity and the distribution of books, will be enlarged. For the latter purpose, an opening will be made into the stack on the side opposite the present desk, and a second and larger delivery desk will be established. The problem of finding extra seats is more difficult. Already this year, during the Christmas recess, five new tables have been put in the reading-room, in addition to the original twelve. This fills the main room; further crowding is physically impossible. The only resource left is the vacant space to the east of the stack, adjoining the new delivery desk. When the ceiling is knocked out, and light admitted from above, three tables, with seats for forty men, can be placed here. There will then be accommodations for about two hundred and fifty men in all. This is the utmost that can be done in preparation for next year.

It is undoubtedly with a view to delaying further increase that the Faculty have again made admission more difficult, in two ways. Beginning with the autumn of 1893, no one will be received as a special student without passing the same entrance examination which is set for candidates for regular admission. Whether or not the Faculty formally abolishes the category of special students after that date, seems immaterial; for no conceivable motive will exist why any man should desire to be one. In order to realize how great a change this is from the not distant past, when half the "Law School Specials" were men who found the College too hot for them, one need only refer to the Harvard Catalogue for any year before 1890–91. The certificate of a good moral character at the outset, and the payment of a *quid pro quo*, were the only requisites three years ago, either to entering or to staying.

In addition to this change, the admission requirements themselves, alike for specials and regular students, are increased. Instead of offering Blackstone, and Latin *or* easy French at sight, candidates after 1892 must pass in Blackstone, and both Latin *and* French. The prospective raising of the bars will undoubtedly tend to increase the number who will try the examinations or enter as special students next fall.

The most important change, however, because the one most likely to affect the life of the School, is the division of the first-year class into sections in all its work except Criminal Law. This step, of course, involves the strengthening of the permanent teaching force. Accordingly, a new full professor has been added to the Faculty; and Mr. Beale, who, as instructor, has taught this year only four hours a week, is promoted to be assistant-professor, and will do full work. Professor Smith, in Torts, will keep both sections of the class; Property will be divided between Professors Gray and Beale, and Pleading and Contracts between Professors Wambaugh and Williston.

The new system will evidently introduce perplexities of a kind with which the School has been unfamiliar. How, for example, will the assignment of students to a section whose hour is unpopular be enforced? But at all events the present system would soon have become not only inconvenient, but impossible. In classes above a certain size, discussion is either stifled or left in the hands of a very few, to the infinite prejudice of the remainder.

A word in regard to the new members of the Faculty may be of interest. Assistant-Professor Beale graduated from the College in 1882, and from the Law School in 1887, — being while there, it may be added, one of the founders of the LAW REVIEW. After graduation, he co-operated with the author in preparing for the press the last edition of Sedgwick on Damages. This fact led, in 1890–91, to an invitation to deliver a course of lectures on Damages in the Law School, and the same spring he was appointed an instructor for the year now closing. Professor Wambaugh graduated from Harvard College in 1876. He received the degree of A.M. in 1877, and that of L.L.B. — the latter with very high distinction — in 1880, being a member of the first class that took the three years' course. For several years he practised in Cincinnati, at the same time teaching in the Cincinnati Law School. About three years ago he was called to a professorship in the Law School of the State University of Iowa, where he has since remained.

There will be no change next year in the optional work offered,[1] — the course on Massachusetts Law and Practice, and ten lectures on Patent Law. In text-books, however, there will be several welcome changes. The class in Evidence will use Professor Thayer's new collection of cases. Ultimately, it is to be hoped, Professor Smith will perform the same service for the course in Corporations; but at present his time is occupied by the preparation of "Cases on Torts," to be ready year after next, which will supplement or possibly supersede Professor Ames's collection. Meanwhile, however, the class in Corporations will make much use of the book of cases just issued by Professor Cummings of Columbia, which, except that it does not touch Municipal Corporations, follows very closely the course as given at Harvard. Finally, Professor Ames is preparing a revision of his "Cases on Trusts," in two volumes, — substantially a new book.

MUNICIPAL COAL-YARDS UNCONSTITUTIONAL. — In reply to a question from the Legislature of Massachusetts as to whether the Legislature can constitutionally authorize a city or town to buy coal and wood and to sell them to its inhabitants for fuel, five of the justices of the Supreme Court have expressed their opinion that such a law would be unconstitutional. To carry on such a business, they say, money must be raised by taxation; taxation can only be for a public purpose; selling wood and coal to inhabitants is not the sort of thing which the Constitution contemplates as a public service for which taxation may be authorized.

Mr. Justice Holmes, in dissenting from the above opinion, takes the ground that the purpose is no less public in the case of wood and coal than it is in the case of water or gas or electricity or education; and that it is for the Legislature, and not the court, to consider the necessity or expediency of such legislation.

Mr. Justice Barker, also dissenting, simply emphasizes the point that this sort of thing can be done only if it is necessary; but he leaves it to the Legislature to determine that necessity.

The opinion of the dissenting justices is clearly more consistent with that delivered by the justices two years ago, to the effect that the Legislature could authorize cities and towns to sell gas or electric light to their inhabitants,[2] and is also, it is submitted, correct on principle. It is for the Legislature to judge, within limits, of the exigency, and also of the public nature of the use; and so long as the resulting legislation can reasonably be said to be in a line with what has always been done, there can be no judicial question.

It should be noticed, by the way, that this is not a decision by the Supreme Court, as stated in the newspapers, but an advisory opinion delivered by the justices in response to legislative inquiry.

TRESPASS BY SUBTERRANEAN SQUEEZING. — A recent New Jersey case[3] presents a rather novel instance of trespass. The declaration charged

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[1] As this number goes to press, a petition to the Faculty is being numerously signed for the establishment of a course in the New York Civil Code. There would be no great reason for sunrise if such a course should be in operation when the REVIEW next appears.

[2] Opinion of Justices. 150 Mass. 592.

[3] C s igan *v.* Pennsylvania R. Co., 23 Atl. R. 810.